

### **REMARKS**

Claims 1-5 and 7-16 were previously pending in this application. By this amendment, Claims 1 and 12 have been amended. As a result claims 1-5 and 7-16 are pending for examination with claims 1 and 12 being independent claims. No new matter has been added.

### **Rejections Under 35 U.S.C. §103**

The Office Action rejected claims 1-5 and 7-16 under 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. 2002/0069080 (hereinafter Roy). In response, Applicant has made clarifying amendments to independent claims 1 and 12, and submits the following remarks with respect to the Roy reference.

Roy describes a system for cataloging and selecting employment skills and for matching the skills of particular candidates to the skills needed for a particular job. (Roy, Abstract.) In the system of Roy, a catalog of all possible skills is created that is organized according to a standardized hierarchy of codes. (Roy, paras. 0017-0021.) The catalog is not a job listing in itself; rather, it is a list of all possible skills from which job requirements may be defined by selecting from the catalog the skills needed for the job. Similarly, an individual candidate's skill set may be defined as a listing of codes corresponding to the skills that the individual candidate possesses. (Roy, paras. 0038-0039.) In the system described in Roy, individuals looking for jobs select and post their skills from the catalog, while employers seeking candidates select and post the skills they require. (Roy, para. 0053.) The system of Roy can then provide an employer with a set of candidates whose skill sets match the required skills. (Roy, para. 0056.) A purpose of Roy is to provide a standardized valuation and description of job skills to provide uniformity across job descriptions and candidate skill sets, and to permit the creation of a truly specialized description for each candidate or each position, while still using standardized terms. (See, e.g., Roy, Abstract; para. 0010; paras. 0038-0044.)

**Claims 1-5, 7-11.** Independent claim 1 describes developing a job description corresponding to a first job opening, the first job description comprising a first set of components, and storing the components in a database. The claim also recites creating a second job description *based upon the first job description*, the second job description *corresponding to*

***a second job opening.*** The second job description has a second set of components, at least some of which are selected from the first set of components stored in the database.

As the Office Action notes, Roy does not disclose a method that includes “creating a second job description ***based upon*** the first job description, the second job description ***corresponding to a second job opening*** and having a second set of components, at least one of which is selected from the first set of components,” as recited in claim 1. The Office Action states that it would be obvious to modify Roy’s method to use a previous job description when creating a new description by editing an existing job description, but the reference simply does not provide motivation for this modification.

In particular, a key purpose of Roy is to create a uniform database of skills that can be drawn upon to create highly accurate, specialized job descriptions. The use of this uniform database teaches away from the adaptation of existing job descriptions to create new ones. Instead of adapting an existing job description, a user of the Roy system can easily create a new, accurate, customized job description using the readily-accessible standardized descriptions of skills. There is no need in the system of Roy to copy existing job descriptions, because new job descriptions will already use terms from the standard set. Thus, Roy teaches away from “***creating a second job description based upon the first job description***, the second job description corresponding to a second job opening and having a second set of components, at least one of which is ***selected from*** the first set of components,” as recited in claim 1.

Moreover, the Office Action states that there is a motivation to modify the teachings of Roy to use Roy’s description-editing functions to create a new job description based upon an existing job description to increase or decrease an applicant pool after a search is performed. This alleged motivation is not discussed in the reference at all. Rather, this alleged motivation is proffered by the Examiner in a hindsight attempt to find a motivation to modify Roy to make the claimed invention even though such motivation is not present in the reference. At any rate, this alleged motivation has no bearing or relation to amended claim 1 even if such alleged motivation did exist within the reference. Claim 1 as amended recites that the second job description, which is based upon the first job description, “***correspond[s] to a second job opening.***” Thus any motivation to alter an existing job description in order to increase or decrease the pool of qualified applicants for a particular job is of no relevance to the invention as claimed in amended claim 1. Claim 1 explicitly recites to “creating a second job description ***based upon the first job***

*description*, the second job description *corresponding to a second job opening* and having a second set of components, at least one of which is selected from the first set of components.”

There is simply no motivation provided in Roy to modify the system of Roy to achieve the method of claim 1 as amended.

Applicant therefore submits that claim 1, as amended, is patentable in view of Roy. Moreover, claims 2-5 and 7-11 depend from claim 1 and are therefore patentable for at least the same reasons. Accordingly, withdrawal of these rejections is respectfully requested.

**Claims 12-16.** Claim 12 as amended recites a method of interactively developing a job description in which a requirements specialist receives hiring needs from a client. The requirements specialist then determines at least a portion of a job description based upon the received requirements. The claim also recites “receiving, *in real-time*, feedback from the client on the portion of the job description; and modifying, by the requirements specialist, at least a portion of the portion of the job description *based upon the received feedback*.”

The Office Action states that Roy discloses a requirements specialist (in Roy, a recruiter) receiving hiring needs and determining a job description. However, even if a “requirements specialist” includes the recruiter described in Roy, Roy does not teach or describe the requirements specialist receiving *real-time feedback* from the client and modifying the job description according to that feedback. While Roy describes an “interview process,” it is clear from the discussion in Roy that this refers to the interview between a candidate (prospect) and an employer, initiated when a recruiter causes a candidate’s resume to be sent to a client employer. (See Roy, paras. 0135-0141.) There is no discussion in Roy of any real-time interaction occurring between the recruiter and the client during the creation of or during the modification of a job listing. Thus Roy does not describe claim 12’s limitations of “receiving, in real-time, feedback from the client on the portion of the job description; and modifying, by the requirements specialist, at least a portion of the portion of the job description based upon the received feedback.”

Nor is there any motivation to modify Roy to include such real-time interaction. The purpose of Roy is to create a searchable knowledge base of individual skills indexed in a hierarchical cataloging, measuring, and valuation system, and to provide a standard set of skills descriptions that can be used to create specific candidate resumes with descriptions of candidate’s skills according to the standard descriptions. (See, e.g., Roy, Abstract; para. 0010;

paras. 0038-0044.) The addition of real-time interaction between the client and the recruiter of Roy would not further those goals; while such interaction could provide more detailed or more accurate job descriptions, it would not advance Roy's hierarchical knowledge base of skills.

For at least these reasons, claim 12 is patentable in view of Roy. Moreover, claims 13-16 depend from claim 12 and are therefore patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested. Applicant notes that claim 12 appears to have been rejected under 35 U.S.C. § 102 rather than § 103. However, as discussed above, claim 12 is neither anticipated nor rendered obvious by Roy.

**CONCLUSION**

In view of the foregoing amendments and remarks, reconsideration is respectfully requested. This application should now be in condition for allowance; a notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee that is not covered by an accompanying payment, please charge any deficiency to Deposit Account No. 50/2762, Ref. No. H0644-700719.

Respectfully submitted,

*Mark Dane, et al., Applicants*

By: /Carla Miriam Levy/  
Carla M. Levy, Reg. No. 54,267  
Edward J. Russavage, Reg. No. 43,069  
LOWRIE, LANDO & ANASTASI, LLP  
One Main Street  
Cambridge, Massachusetts 02142  
Telephone: 617-395-7000  
Facsimile: 617-395-7070